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COMMITTEE AGAINST TORTURE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION

Initial reports of States parties due in 1996

Addendum

UZBEKISTAN

[Original: Russian]
[18 February 1999]

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Introduction

1. Since independence Uzbekistan has moved to establish a democratic rule-of-law State and a just civil society. Accordingly, the Government is striving to effect a radical transformation of all areas of the country's social and political life. Upholding the interests of the individual, and protecting and supporting human rights and freedoms are reform priorities.

2. Uzbekistan is well aware that these issues can only be addressed effectively by promoting clearly defined and coordinated activity by all State authorities, administrative structures, law-enforcement entities and government institutions involved in observance of the rule of law, and that a robust statutory framework is also vital.

3. Uzbekistan has created the core institutions of a parliamentary democracy and a rule-of-law State: the Constitutional Court, the Parliamentary Institute for Monitoring Current Legislation, the Human Rights Commissioner (Ombudsman), the National Centre for Human Rights of the Republic of Uzbekistan, and non-governmental civil rights organizations (bar and judicial associations).

4. The old judicial system is gradually being brought into line with international human rights standards. Uzbekistan has acceded to more than 600 bilateral and multilateral agreements, including 42 international human rights instruments. Parliament has stepped up its ratification of international treaties. Making allowances for the capacities of key government institutions, domestic law is being brought into line with the universal principles and standards of international law. The formation of national non-governmental organizations (NGOs) is being encouraged and international NGOs are starting to operate in Uzbekistan.

5. On 31 August 1995 Uzbekistan acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984.

6. The present national report has been prepared by the National Centre for Human Rights of the Republic of Uzbekistan. It draws on information received from the Supreme Court, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Defence, the Academy of the Ministry of Internal Affairs, the Ministry of Macroeconomics and Statistics, the Institute of Strategic and Interregional Studies reporting to the President, the Office of the Human Rights Commissioner (Ombudsman) of the Oliy Majlis, and the Institute for Monitoring Current Legislation that reports to the Oliy Majlis (see annex).

I. GENERAL INFORMATION

A. General demographic, economic and social characteristics of the Republic of Uzbekistan in 1998

7. Uzbekistan became independent on 1 September 1991. The capital is Tashkent. The country has a total area of 447,400 km^2 and comprises the Republic of Karakalpakstan, 12 wiloyats (provinces) and the city of Tashkent, 121 towns and 163 rural districts.

8. The population at the beginning of 1998 numbered 23.8 million, of whom 9 million (39.2 per cent) were town dwellers and 14.8 million (61.8 per cent) rural dwellers. The average annual rate of population increase was 2.3 per cent in the period 1980-1989 and 2.1 per cent in the period 1990-1998. Since 1990 the urban population has grown by 9.2 per cent and the rural population by 20 per cent. The population density is 53.2 per km^2. The total numbers of males and females are 11,819,900 (49.7 per cent) and 11,952,400 (50.3 per cent) respectively. Children below the age of 15 account for 42 per cent of the population; 16 million children, or 69.7 per cent of the population, are under the age of 18.

9. Uzbekistan's population growth is chiefly attributable to natural increase, i.e. a consistently high birth rate (588,000 children were born in 1998). The pattern of the principal determinant of population replacement, namely the birth rate, is of relevance in this respect. For many years the nationwide crude birth rate remained at the level of 33-34 per 1,000, whereas in recent years it has dipped significantly - to 23.2 per 1,000 in 1998. High birth rates have been maintained only in Surkhan-Darya, Kashkadar, Djizak and Namangan regions, i.e. in predominantly rural areas.

10. Throughout its history Uzbekistan has always been a multi-ethnic republic. It is home to over 120 nationalities. The bulk of the population (77.2 per cent) are Uzbeks and Karakalpaks. Other ethnic groups comprising more than 1 per cent of the population include 1.3 million Russians (5.5 per cent of the total), 1.1 million Tajiks (4.8 per cent), 900,000 Kazakhs (4.0 per cent), and 300,000 Tatars (1.4 per cent).

11. Uzbekistan is an extremely important economic region. Total GDP in 1997 was 987.4 billion som. GDP in real market prices was 298.5 billion som, or 13,110.3 som per capita. In 1997 the GDP index was 0.425 per cent, GDP growth 5.2 per cent, and the increase in per capita GDP 3.2 per cent. Average monthly inflation in 1997 was 6.1 per cent.

12. The number of unemployed, taking into account the economically active population, was 40,100 at the end of 1998.

13. The literacy rate is high: 97.7 per cent of the population can read and write. Most illiterates are in the "70 and over" age group. Only 0.3 per cent of males and females aged between 16 and 29 are illiterate. Of the population aged 65 and over, 30.2 per cent of females and 17.7 per cent of males are illiterate.

14. The level of education in Uzbekistan is fairly high, with 986 out of every 1,000 persons in employment having received some form of education. Of these educated persons, 142 (15 per cent) are specialists with full or partial higher education, 199 (21 per cent) have specialized secondary education, 480 (50.6 per cent) have general secondary education, and 127 (13.4 per cent) have uncompleted secondary education. There are 58 higher educational establishments in Uzbekistan. One in four people working in the national economy has received higher or specialized secondary education.

15. According to the 1998 Human Development Report on Uzbekistan prepared by the United Nations Development Programme (UNDP) and the Centre for Economic Research, average life expectancy was 72.7 for females and 68.1 for males.

16. Infant mortality in 1998 was 22.2 per 1,000; maternal mortality was 20.9 per 10,000.

B. State political structure

17. Uzbekistan is a sovereign democratic State committed to the principles of democracy and equality. It recognizes human rights and adheres strictly to international legal standards when adopting statutes and other regulatory instruments.

18. The democratic evolution of Uzbekistan is borne out by the constitutional foundation of the State. The Constitution of the Republic of Uzbekistan was adopted on 8 December 1992 at the eleventh session of the Supreme Council of the Republic (twelfth convocation). The Constitution guarantees the rights and legitimate interests of every individual. It lays down the fundamentals of the relations and interaction between society and the individual, as well as their respective rights and obligations. The Constitution is the legal foundation of the State. Articles 18-20 and 24-26 enshrine basic civil rights and obligations. The President is the guarantor of these rights and freedoms.

19. Articles 43-46 of the Constitution safeguard the observance of citizens' rights and freedoms in Uzbekistan. The Constitution states that:

> "The right to life is an alienable right of every person. Attempts on anyone's life shall be considered an extremely grave offence.
>
> Everyone shall have the right of freedom and personal inviolability.
>
> No one shall be detained or held in custody except as provided for by law.
>
> Everyone charged with an offence shall be considered innocent until his guilt has been established according to law in open judicial proceedings, during which he shall be given every opportunity to defend himself.
>
> No one shall be subjected to torture, violence or other cruel or degrading treatment.
>
> No one shall be subjected to medical or scientific experimentation without his consent.
>
> State power in Uzbekistan shall be exercised in the interests of the people and solely by the authorities empowered for the purpose by the Constitution of the Republic of Uzbekistan and laws adopted on the basis of it."

20. The Constitution further states (arts. 76-78, 90 and 93) that only the popularly elected Oliy Majlis and the President of the Republic may speak for the Uzbek people. No section of society and no political party, public association, movement or individual may speak for the Uzbek people.

21. The system of State power in Uzbekistan is based on the principle of the separation of powers into a legislature, an executive and a judiciary.

1. The legislature

22. Legislative power is exercised by the Oliy Majlis (Parliament of the Republic), the highest representative body. The procedure governing the composition and legal status of the Uzbek Parliament is laid down in the Constitution (arts. 76-88), the Elections (Oliy Majlis) Act, and the Oliy Majlis of the Republic of Uzbekistan Act.

23. Article 83 of the Constitution states that "the Oliy Majlis shall enact statutes, decisions and other instruments. A majority of the votes of all the deputies of the Oliy Majlis shall be required to enact a statute". Promulgation of statutes and other regulatory instruments shall be a mandatory condition of their entry into force.

2. The executive

24. Uzbekistan is a presidential republic. The President is the head of State and chief executive. The President is also the Chairman of the Cabinet of Ministers (Constitution, arts. 89-98).

25. Uzbek citizens elect the President for a five-year term on the basis of universal, equal and direct suffrage by secret ballot.

26. The Elections (President of the Republic of Uzbekistan) Act provides that candidates for the office of President of the Republic of Uzbekistan must be Uzbek citizens aged at least 35 years and fluent in the official language, and must have been permanently resident in Uzbek territory for at least 10 years prior to the presidential election in question.

27. Article 93 of the Constitution states that the President shall protect citizens' rights and freedoms, the Constitution and the laws of the Republic of Uzbekistan.

28. The Cabinet of Ministers is appointed by the President and confirmed by the Oliy Majlis. The Cabinet of Ministers manages the economy and oversees the social and spiritual direction of the country. It executes the Constitution and statutes, the decisions of the Oliy Majlis and the decrees, decisions and orders of the President, and is empowered to issue, in line with current legislation, decisions and orders that are binding on all authorities, enterprises, organizations, officials and citizens throughout Uzbek territory.

3. The judiciary

29. The Uzbek judiciary is independent of the legislature and the executive, political parties and other public associations (arts. 106-116 of the Constitution). Judicial authority in Uzbekistan is exercised by the courts:

(a) The Constitutional Court of the Republic of Uzbekistan hears cases relating to the constitutionality of instruments promulgated by the legislature and the executive;

(b) The Supreme Court of the Republic of Uzbekistan is the highest judicial body in the civil, criminal and administrative court hierarchy;

(c) The Higher Economic Court of the Republic of Uzbekistan settles disputes of an economic nature;

(d) The Supreme Court of the Republic of Karakalpakstan;

(e) The Economic Court of the Republic of Karakalpakstan;

(f) Wiloyat (regional), Tashkent City, district, city and economic courts;

(g) Military courts.

30. Article 112 of the Constitution and the Courts Act state that judges are independent and subject only to the law and that it is an offence to interfere in any way in the work of judges. The inviolability of judges is guaranteed by law.

31. The Presidents and members of the Supreme Court and the Higher Economic Court cannot be deputies in the Oliy Majlis. Judges, including district judges, cannot be members of political parties or movements, nor may they occupy any other remunerated position.

32. Current legislation provides that persons charged with an offence have a right to legal defence during court proceedings.

4. Local authorities

33. Local authorities such as the councils of people's deputies and regional chief administrators (khokim) address social problems at the regional, district and city level. Their powers and prerogatives are also enshrined in the Constitution and relevant statutes. Chief administrators at all levels exercise their powers according to the principle of undivided authority. Under article 104 of the Constitution, decisions taken by chief administrators acting within the limits of their powers are binding on all enterprises, institutions, organizations, associations, officials and citizens within the territory concerned. Self-government of inhabited localities, villages, rural settlements, and urban districts is exercised by assemblies of citizens. Organs of self-government are elective and the term of office is five years.

C. Basic principles of Uzbek foreign policy

34. Uzbekistan's foreign policy is based on the rules and principles enshrined in the Constitution, the International Treaties of the Republic of Uzbekistan Act, the Fundamentals of Foreign Policy Act, the Defence Act, the Military Doctrine of Uzbekistan, the purposes and principles of the United Nations and the Organization for Security and Cooperation in Europe, and Uzbekistan's commitments under international treaties and agreements as ratified by the Oliy Majlis.

35. Uzbekistan is competent to make alliances and enter into commonwealths and other inter-State arrangements, and to leave them if they turn into military-cum-political blocs, given that the Fundamentals of Foreign Policy Act and the Military Doctrine of Uzbekistan both exclude Uzbek membership of military-cum-political blocs.

36. Uzbek foreign policy is based on the universal principles and standards of international law, namely:

(a) The principle of the sovereign equality of States and respect for the sovereignty of other States (art. 17 of the Constitution);

(b) The principle of non-interference. In line with the Charter of the United Nations, Uzbekistan does not interfere in the internal affairs of other States;

(c) The principle of the non-use of force or of the threat of force. Uzbekistan views as a crime against peace any military aggression or occupation that results from the use or threat of the use of force and is intended to violate State borders;

(d) Uzbekistan is also committed to other principles of international law such as the primacy of human rights and environmental protection.

37. Uzbekistan is firmly opposed to any act that fully or partially violates or undermines the territorial integrity or political unity of sovereign or independent States which are observing the principles of the equality and self-determination of peoples and therefore have Governments that represent the interests of all the people living in their territory without any distinctions. Uzbekistan recognizes the right to self-determination of all peoples.

38. In November 1995, on the initiative of the Uzbek Government, an international regional security conference was organized in Uzbekistan. During the meeting between the Presidents of Kazakhstan, Kyrgyzstan and Uzbekistan, the Uzbek President launched an initiative to hold an international nuclear disarmament conference. Uzbekistan advocates turning the Central Asian region into a nuclear-weapons-free zone.

39. Since independence, Uzbekistan has established diplomatic relations with 105 States. As of 1998, Uzbekistan had been recognized as an independent State by 145 States. On 2 March 1992 Uzbekistan became a full member of the United Nations.

40. Uzbekistan cooperates closely with a number of international organizations, including UNESCO and UNICEF, and is a member of the Economic Cooperation Organization, the European Bank for Reconstruction and Development, the Black Sea Economic Cooperation, the International Monetary Fund, and the Organization for Security and Cooperation in Europe (OSCE). Some of the organizations and programmes represented in Uzbekistan include Technical Assistance for the Commonwealth of Independent States (TACIS), the Soros Foundation, the Konrad Adenauer Foundation, and the American Bar Association. Societies for the promotion of friendship with foreign countries have been established and are operating in Uzbekistan.

II. PROHIBITION UNDER UZBEK LAW OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (art. 1)

41. Torture and other cruel, inhuman or degrading forms of treatment or punishment are expressly prohibited by a number of Uzbek legislative instruments. Article 25 of the Constitution provides that "everyone shall have the right of freedom and personal inviolability. No one may be detained or held in custody except as provided for by law". Article 26, paragraph 2, is even more specific: "No one may be subjected to torture, violence or other cruel or degrading treatment." Special rules prohibiting unlawful acts of this kind are to be found in a number of other legislative instruments (the Criminal Code, the Code of Criminal Procedure, and the Code for the Execution of Criminal Penalties).

42. In addition to legal safeguards, a system of institutions to protect rights during criminal proceedings has been created and is operating in Uzbekistan. It comprises the highest-level State authorities and administration, the law-enforcement system and extrajudicial protection bodies.

43. Despite the existence of a system for supervising and monitoring human rights observance in the criminal justice system, cases of unlawful, humiliating and degrading treatment and punishment are still occurring in the work of a number of law-enforcement authorities. For example, according to the Procurator's Office, violations of defendants' rights and legitimate interests occurred in 1997 in such forms as unlawful arrest, detention and unwarranted criminal prosecution.

44. The Supreme Court reports that action against 23 officers of the preliminary investigation authorities found to have committed offences of this nature was halted, and 22 persons committed for trial on similar offences were rehabilitated by the courts. In 1998, a mere 19 law-enforcement officers were convicted of offences under articles 235 and 236 of the Criminal Code (Coercion to testify and Unlawful remand in custody).

45. Concealment of unlawful arrest is another breach of the Convention against Torture. The Procurator's Office recorded seven such cases nationwide in 1997, although further checks revealed five cases of unlawful arrest by officers from the internal affairs authorities in Samarkand wilovat alone. In 1992 the total number of unlawful arrests was 76; in 1993, 52; in 1994, 38; in 1995, 45; in 1996, 20; and in 1997, 7.

46. In 1996 the internal affairs authorities received 155,965 written complaints, or 23,147 more than in 1995. The facts as presented in 110,513 of these complaints were found to be true. In all, 120,441 written and oral complaints were dealt with in face-to-face interviews in 1996; 80,762 of them were upheld. The President's Office received 841 complaints, the Cabinet of Ministers 101, and the Oliy Majlis 93. Most of the complaints originated in Surkhan-Darya, Samarkand, Namangan, and Tashkent wilovats and the city of Tashkent itself.

47. Procuratorial checks have also revealed breaches of the law with regard to the custody of convicted persons, for example overcrowding and violation of health standards, lack of opportunities to seek medical assistance, failure to observe adequate requirements in respect of sanitation and hygiene, gross irregularities committed by officers of penal institutions, and so forth.

48. The Ministry of Internal Affairs reports that in 1992 it redrafted 52 regulations of the former USSR Ministry of Internal Affairs pertaining to the work of penal institutions. Today only seven regulations dating from the time of the USSR Ministry of Internal Affairs are still in force, and these are being redrafted and harmonized.

49. On 25 February 1998 the Supreme Court sentenced 11 law-enforcement officers, including 2 officers of the Procurator's Office, 8 officers of the internal affairs authorities and a forensic expert, to lengthy periods of deprivation of liberty for offences under articles 230, 234 and 235 of the Criminal Code (Prosecution of an innocent party, Unlawful arrest and Coercion to testify).

50. The law-enforcement authorities are the specialized institutions which monitor and supervise observance of the rule of law in the criminal justice system. They comprise the Ministry of Internal Affairs, the Procurator's Office, and the National Security Service. The courts afford judicial protection of citizens' rights and freedoms. The work of these specialized institutions is regulated by a number of instruments detailed below.

51. The human rights protection machinery includes two national institutions which afford extrajudicial protection of citizens' rights, namely the Human Rights Commissioner (Ombudsman) of the Oliy Majlis, and the National Centre for Human Rights of the Republic of Uzbekistan.

52. The Human Rights Commissioner (Ombudsman) of the Oliy Majlis is an official who verifies that State authorities, self-government authorities, public organizations and officials genuinely comply with current human rights legislation. The work of the Human Rights Commissioner is regulated by the special Human Rights Commissioner (Oliy Majlis) Act of 24 April 1997 and a number of regulations: the Regulations on the Commissioner, the Instruction on the Commissioner's work, and the Regulations on the Commissioner's Secretariat. The Ombudsman is Chairman of the Commission reporting to the Oliy Majlis on the observance of constitutionally-guaranteed human rights and freedoms. The Commission was established pursuant to a decision of the Oliy Majlis dated 6 May 1995.

53. For the purposes of parliamentary scrutiny of compliance with human rights legislation, the Ombudsman is competent to examine complaints by citizens regarding violations of their rights and to prepare conclusions and recommendations on restoring the rights. In 1997 the Commissioner's Office handled 2,319 complaints, most of which were from citizens living in Tashkent, Samarkand and Fergana wilovats. The overwhelming majority of complaints from citizens concerned the work of the courts and the law-enforcement authorities. Complaints about the unlawful conduct of law-enforcement officers increased particularly strongly in 1997. The Ombudsman's Office received 231 such complaints in 1997, as against 533 in 1998. A study of the complaints shows that the most common grievance is the use of physical or mental violence by investigators during the investigation phase. For example, K.A. Atamuradov (born 1944), a resident of Samarkand region who is currently serving his sentence, sustained grievous bodily harm as a result of beatings by internal affairs investigators, in consequence of which he lost his sight and became a category-I invalid. The court paid no attention to this fact during the trial, considering it immaterial. Similar complaints were received in 1997 from N.I. Alyarov (resident of Zangiatin district, Tashkent region), T. Ismailov (Khorezm wilovat), G. Kolesova (Tashkent), B. Avezov (Bukhara wilovat), and Z. Matyakubova (Samarkand). Many of the 533 complaints received by the Ombudsman's Office in 1998 concerned unlawful conduct by law-enforcement officers. Concealment of wrongdoing by officers of the internal affairs authorities is also ignored. For example, A. Ergashev, a resident of Bagdad district, Fergana wilovat, complained to the Ombudsman's Office that no action had been taken with regard to his allegations of maladministration by senior officials in the district internal affairs department. In Surkhan-Darya wilovat, T. Todzhiev, the deputy chief of the internal affairs department, inflicted grievous bodily harm on one B. Rakhimov, yet the latter's subsequent complaint went unheeded.

54. An analysis of the complaints reaching the Commissioner from the public indicates that the root causes of violations of citizens' rights are poor training and a contempt for legal procedure, endemic bureaucracy in the law-enforcement system, and peoples' ignorance of the law and of how to stand up for their rights.

55. The National Centre for Human Rights was established pursuant to a Presidential decree issued on 31 October 1996. The Centre features two public "surgeries", one devoted to public relations and the other to the rights of the child; both perform an advisory function. Complaints are handled by experienced judges and lawyers. In the first nine months of 1998, the National Centre received 161 complaints of human rights violations committed by the law-enforcement authorities. Of these, 91 concerned court verdicts, 34 concerned investigative irregularities committed by the Procurator's Office, and 36 concerned the unlawful conduct of officers of the internal affairs authorities. In each case, legal advice was given and recommendations were sent to the relevant authorities.

56. Notwithstanding the efforts that are being made to prevent abuses in the justice system, the law-enforcement authorities are themselves reporting a number of problems. Similar violations are also being flagged by a number of NGOs such as Amnesty International and Human Rights Watch.

Punishment and sentencing under Uzbek law

57. Article 42 of the Uzbek Criminal Code states that "punishment is a coercive measure applied by the State pursuant to a court verdict against a person convicted of an offence, and consists of the deprivation or limitation of certain rights and freedoms as provided for by law". Punishment may take the form of: a fine; the deprivation of a particular right; deduction from earnings at source; disbarment from holding a certain rank, or docking of pay (in the armed services); short-term rigorous imprisonment; assignment to a disciplinary unit (in the armed forces); deprivation of liberty, or the death penalty (art. 43). There is no provision in Uzbek law for corporal punishment.

58. Since Uzbek criminal law is based on the principle of justice and other humanitarian precepts, the death penalty is proscribed for women and for persons who committed a crime when aged under 18 years.

59. Up to 29 August 1998, the death penalty, as the supreme form of punishment, was sanctioned for offences under article 97 of the Criminal Code (Premediated murder with aggravating circumstances); article 118, paragraph 4 (Rape); article 119, paragraph 4 (Gratification of unnatural sexual desires by force); article 151 (Aggression); article 152 (Breach of the laws and customs of war); article 153 (Genocide); article 155 (Terrorism); article 157, paragraph 1 (Treason); article 158, paragraph 1 (Attempts on the life of the President of the Republic of Uzbekistan); article 160, paragraph 1 (Espionage); article 242, paragraph 1 (Organization of a criminal association); article 246, paragraph 2 (Smuggling); and article 272, paragraph 2 (Unlawful sale of narcotics or psychotropic substances). As a result of the implementaiton of international legal standards through domestic law and the vigorous rights campaigns of extrajudicial protection bodies such as the National Centre for Human Rights, the Ombudsman and other NGOs, the Oliy Majlis passed the Amendments and Addenda (Selected Statutes) Act on 29 August 1998. This Act stipulates that the following five crimes are no longer capital offences: gratification of unnatural sexual desires by force (art. 119, para. 4); breach of the laws and customs of war (art. 152); attempts on the life of the President of the Republic of Uzbekistan (art. 158, para. 1); organization of a criminal association (art. 242, para. 1); and smuggling (art. 246, para. 2).

III. LEGISLATIVE, ADMINISTRATIVE AND JUDICIAL MEASURES TO PREVENT TORTURE (art. 2)

60. The Government is making vigorous efforts to prevent torture and other cruel, inhuman or degrading forms of treatment or punishment, in particular by establishing legislative, administrative and judicial measures of protection.

A. Legal safeguards to prevent torture and civil rights violations in the justice system

61. The system of legal safeguards comprises constitutional rules (arts. 18-46), and, in descending order of precedence, the rules contained in the Criminal Code (1994), the Code of Criminal Procedure (1994), the Administrative Liability Code (1994) and the Code for the Execution of

Criminal Penalties (1997). In addition to these codes, the system of legal safeguards also comprises statutory norms contained in the Citizens' Appeals Act, the Court Complaints (Actions and Decisions Violating Citizens' Rights and Freedoms) Act, the Office of the Procurator Act, the Courts Act, the Bar Act, and others. The system is supplemented by subsidiary legislation such as presidential decrees and orders (for example, the Presidential Order of 10 October 1998 on the establishment of commissions to evaluate the work of senior officials in the internal affairs authorities) and decisions of the Supreme Court of the Republic of Uzbekistan sitting in plenary session (for example, Plenary Decision No. 2 of 2 May 1997 on court judgements and Plenary Decision No. 12 of 2 August 1997 on observance by the courts of procedural law in criminal proceedings at first instance). There is also a corpus of departmental regulations, such as those of the Ministry of Internal Affairs, the National Security Service, and the Procurator's Office. Departmental regulations of this kind include Order No. 6 of the Procurator-General dated 13 July 1993 on enhancing the effectiveness of procuratorial supervision of compliance with the law in places of pre-trial detention, or of the serving of sentences pursuant to a court judgement and other coercive measures, Directive No. 44 of the Ministry of Internal Affairs dated 18 February 1996, and several others.

B. Administrative measures to suppress torture and violations of the rule of law

62. The Government is working hard to preserve and adhere to the principle of the rule of law in the justice system.

63. It is the duty of the Procurator's Office to provide special protection for the rights of persons in the criminal justice system. The legal status of the Procurator's Office and its duties and powers are laid down in the Constitution and the relevant statutes. The law regulates the legal relations between the Procurator-General and the procurators working under him. The latter secure, through supervision, observance of the rule of law by all State institutions regardless of their position in the hierarchy and their form of ownership and by military units, public associations, officials and citizens. The Procurator's Office has two special departments, one to supervise law enforcement by authorities involved in crime control, and another to supervise law enforcement in facilities housing persons in pre-trial detention, convicted offenders or persons subject by order of a court to some other coercive measure.

64. Uzbekistan's law-enforcement authorities are aware of their international responsibility to comply with the human rights agreements that have been ratified, and they are attempting to pursue a coordinated policy in this field. Specifically, at the suggestion of the Procurator's Office, on 17 April 1997 the heads of law-enforcement authorities (the Procurator's Office, the Supreme Court, the National Security Service, the Ministry of Internal Affairs, the Ministry of Justice, and the State Customs and Taxation Committees), on the one hand, and the Ombudsman, the National Centre for Human Rights and the Makhallya charitable foundation, on the other, formed a Coordinating Council of Law-Enforcement Authorities. One of the Council's principal objectives is to effect a radical transformation as regards

violations of international and national human rights standards in the sphere of human rights protection, preliminary investigations and initial inquiries, the judicial system, and punishment.

65. Since the bulk of offences occur in the work of the internal affairs authorities, owing mainly to the low level of legal and general knowledge among senior personnel and poor theoretical training, the Government is attempting to weed out incompetent officers guilty of irregularities in their dealings with persons in the criminal justice system. This is attested to by the Presidential Order of 10 October 1998 on the establishment of commissions to evaluate the work of senior officials in the internal affairs authorities, which states that "despite cooperation between officers of the internal affairs authorities and those of other law-enforcement authorities, the incidence of criminal practices in the Uzbek internal affairs authorities has not decreased. Abuse of authority, action ultra vires, an unacceptable attitude to members of the public and other shortcomings have all been observed". In order to eliminate these problems and weed out undesirable officials, the decision has been taken to conduct evaluations of senior officers every three months.

66. Despite unceasing efforts on the part of the Government, senior management of law-enforcement authorities and a number of NGOs to improve the country's legislation and align it with international standards in this area, significant problems remain, the most intractable being:

- Conditions of detention for persons in pre-trial detention or convicted offenders do not meet modern standards (violations of sanitary and hygiene standards, improper conduct and poor training of prison officers, corruption, etc.);

- Verification of observance of the rule of law in pre-trial detention facilities and prisons is performed by a limited number of inspectors reporting to the Ministry of Internal Affairs or the Procurator's Office; most inspections are superficial and routine;

- All information concerning penal institutions (number of institutions, prison population, number of deaths in the system, prevalence of sickness and injury, cases of torture or degrading treatment, and other related information) is classified as secret by the Ministry of Internal Affairs;

- The law makes no provision for public oversight of penal institutions, or for public or community involvement in the rehabilitation of offenders;

- Notwithstanding certain regulations prescribing compensation for the victims of unlawful acts (article 235 of the Code of Criminal Procedure), national legislation is largely silent on the procedure for awarding compensation (either material or moral) to persons who have been subjected to torture or degrading treatment;

- During a pre-trial investigation, counsel must obtain the investigating officer's permission to visit a suspect or person

charged with an offence. This contravenes the rules laid down in the Uzbek Code of Criminal Procedure. This situation enables the investigating officer to manipulate the testimony of the suspect or accused, and also the actions of counsel. A suspect or accused who is being subjected to psychological or physical pressure is, in practice, deprived of the opportunity to inform his counsel of this fact at the appropriate time.

C. Judicial protection against torture and cruel treatment

67. The institutional mechanism for the protection of human rights in the criminal justice system comprises the courts, the Procurator's Office, the internal affairs authorities, the judicial system and the bar.

68. The competence of the courts in this field is established by the Courts Act of 2 September 1993. Article 4 of this Act states that "the courts of the Republic of Uzbekistan are intended to guarantee the observance of citizens' rights and freedoms proclaimed by the Constitution and other statutes of the Republic of Uzbekistan and international human rights covenants". The work of the courts is based on the universal principles of justice enshrined in the law, namely the administration of justice by the courts alone, equality before the law, openness of court proceedings, and the right to legal defence. Article 9, paragraph 3, of the Act is more specific: "No one may be subjected to torture, violence, or other cruel and degrading treatment."

69. In addition to providing direct protection to defendants in criminal proceedings, the courts play an active role in preventing torture and cruel or inhuman treatment during pre-trial investigations and court hearings. One aspect of this work includes the judicial interpretation of individual rules of criminal procedure. According to the rules of Uzbek criminal-procedure law, "persons conducting an initial inquiry or a pre-trial investigation, as well as procurators and judges, must ensure that information uncovered during the investigation or judicial proceedings concerning the private life of a suspect, person charged with an offence, defendant, victim or other person is not divulged. Accordingly, restrictions shall be placed on the number of participants in investigative or judicial proceedings during which information of this nature may be revealed and such persons shall be cautioned, on pain of criminal liability, against divulging it".

70. Law-enforcement officers may be held criminally liable for breaches of these rules. Furthermore, according to the Supreme Court's plenary Court Decision No. 2 of 2 May 1997 on court judgements (para. 6), "... any evidence obtained unlawfully shall be devoid of evidential value and cannot form the basis of a judgement".

71. By "evidence obtained unlawfully" is meant evidence obtained through the use of unlawful investigative methods or under mental or physical duress, or in violation of other rules of criminal procedure (for example, the right to legal defence). Where evidence is found to have been obtained unlawfully, the court must substantiate its decision to exclude it from the body of evidence in the case by indicating the precise nature of the fault. A substantiated finding by a court that the sum of evidence is inadequate, that evidence is inadmissible because it was obtained unlawfully, or that doubts that a defendant is guilty as charged cannot be dispelled shall be grounds for a

judgement of acquittal. Article 17 of the Code of Criminal Procedure provides that courts may not mention in their judgements information that might humiliate or degrade a person, lead to the dissemination of details of his private life or cause him mental suffering, if that information has no bearing on the evidence in the case.

IV. EXPULSION, RETURN (REFOULEMENT) AND EXTRADITION OF PERSONS IN DANGER OF BEING SUBJECTED TO TORTURE (art. 3)

72. The rules governing expulsion, return and extradition, especially of Uzbek citizens, are to be found in a number of regulatory instruments, primarily the Citizenship Act, the Criminal Code and the provisions of various bilateral and multilateral agreements to which Uzbekistan is a party. Article 8 of the Citizenship Act states that "the Republic of Uzbekistan shall afford assistance and protection to Uzbek citizens outside the territory of Uzbekistan". An Uzbek citizen may not be extradited to a foreign State unless otherwise provided in an international treaty to which Uzbekistan is a party.

73. Articles 11 and 12 of the Criminal Code define the territorial scope of the criminal law by stating that anyone who has committed an offence in the territory of Uzbekistan will be liable under the Criminal Code of the Republic of Uzbekistan. Questions of the liability of aliens who, under current law or international treaties or agreements, are not subject to the jurisdiction of Uzbek courts for crimes committed in Uzbekistan, are resolved on the basis of the rules of international law.

74. Generally speaking, questions of the extradition, expulsion or return of persons in whose regard there are substantial grounds for believing that they would be in danger of being subjected to torture are regulated by bilateral agreements (primarily treaties on judicial assistance and legal relations in civil, family and criminal cases). Uzbekistan has concluded such agreements with a number of States, including all the countries of the Commonwealth of Independent States (CIS).

75. The above relations are usually governed by model rules under the heading "Extraditable offences", on the following pattern:

1. The contracting parties undertake, in accordance with the provisions of the treaty (on judicial assistance and legal relations in civil, family and criminal cases), reciprocally to extradite upon request, for the purposes of criminal prosecution or enforcement of a court judgement, persons present in their respective territories.

2. Extradition is possible for acts which are offences under the law of both contracting parties, and for which the prescribed penalty is deprivation of liberty for more than one year or more serious punishment.

76. Extradition for the purpose of enforcing a court judgement is possible when the person in question has been sentenced to more than six months' deprivation of liberty or to more serious punishment.

77. Extradition may be refused if:

(a) The person whose extradition has been requested is a citizen of the requested contracting party or has been granted the right of asylum in that State;

(b) The law of the contracting parties provides that criminal proceedings may only be initiated pursuant to a personal complaint by the victim;

(c) At the time the request is received, prosecution under the law of the requested contracting party or enforcement of a court judgement is time-barred or precluded for some other legitimate reason;

(d) A legally enforceable ruling or decision to halt proceedings against the person whose extradition has been requested has been handed down in the territory of the requested contracting party in respect of the same offence.

An extradition request may also be refused if the offence to which it refers was committed in the territory of the requested contracting party.

78. Upon refusal of an extradition request, the requested contracting party must notify the requesting contracting party of the grounds for refusal.

79. Uzbek law does not contain any specific rules prohibiting expulsion, return or extradition of a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture; there are only referential rules to the effect that the principle of the primacy of international law applies in such cases.

V. CHARACTERIZATION OF TORTURE AS AN OFFENCE UNDER NATIONAL LAW (art. 4)

80. Uzbek criminal law stipulates that law-enforcement officers shall be liable for acts of torture or cruel or inhuman treatment and punishment. The basic principles of the Uzbek Criminal Code prohibit torture and cruel treatment of suspects. This is evidenced by the principles articulated in articles 1-10 of the Criminal Code, which stipulate that the criminality, punishability and other legal consequences of acts shall be defined by the Criminal Code alone.

81. Punishment and other legal sanctions are not intended to cause physical suffering or to degrade people. Rigorous penalties are prescribed only when the ends of punishment cannot be served by more moderate measures. Punishment or other legal sanctions against a convicted offender must be fair and commensurate with the gravity of the offence, the degree of fault and the risk which the individual poses to society.

82. As well as being outlawed by general principles of justice, torture and cruel treatment are also proscribed by a special section of the Criminal Code, namely chapter XVI, articles 230-241, entitled "Offences against justice". In order to address the problem of criminal prosecutions of persons known to be innocent, articles 230-236 of the Code make it a criminal offence for judicial

officers to prosecute for a socially dangerous act a person known to be innocent, to bring in an unjust verdict, to fail to enforce a judicial decision, or unlawfully to detain a person or remand him in custody. Articles 234 and 235 provide for criminal liability for knowingly unlawful detention, i.e. restricting of a person's liberty for a short period, and for coercion to testify, i.e. mental or physical pressuring of a suspect, accused person, witness, victim or expert by means of threats, blows, beatings, systematic or brutal violence, tormenting, the causing of actual or moderate bodily harm, or other unlawful acts. In both cases, criminal liability ranging from a fine to eight years' deprivation of liberty is prescribed for special categories of persons, namely law-enforcement officers (persons carrying out an initial inquiry or pre-trial investigation and procurators).

83. The Code of Criminal Procedure also contains safeguards against torture and cruel treatment of suspects. These are to be found in the rules and principles of the criminal justice system, specifically articles 11-27 of the Code of Criminal Procedure. The special rule contained in article 17 states that: "Judges, procurators, and persons carrying out initial inquiries or pre-trial investigations are under an obligation to respect the honour and dignity of persons involved in a case". Paragraphs 2 and 3 of the same article state that "no one shall be subjected to torture, violence or other cruel, humiliating or degrading treatment".

84. It is prohibited to perform acts or hand down judgements which humiliate or demean a person, will lead to the dissemination of details of his private life, thereby endangering the person's health, or cause unjustified physical or mental suffering.

85. The Code establishes the competence of each of the authorities conducting initial inquiries or other criminal investigations, defines the legal status of all persons involved in criminal proceedings (especially suspects, detainees, persons charged with an offence and persons standing trial), and also the procedures and details pertaining to preventive measures and the stages of the investigative process. At no stage of criminal proceedings may action, however necessary, depart from the law. Specifically, article 81 of the Code of Criminal Procedure states that "criminal evidence means any factual information on the basis of which an authority carrying out an initial inquiry or pre-trial investigation or a court may lawfully establish the existence or non-existence of a socially dangerous act, the guilt of the person who committed the act, and other facts of importance for the proper disposal of a case".

86. Evidence consists of the testimony of witnesses, victims, suspects, persons charged with an offence, or persons standing trial; the conclusions of experts; material evidence; sound, video or film recordings; the reports of investigating or judicial authorities; and any other documents. According to article 88 of the Code of Criminal Procedure:

"In obtaining evidence, it is prohibited:

"1. To perform acts which endanger life or health or are intended to humiliate or demean;

"2. To solicit testimony, explanations or conclusions, to perform experiments, to prepare and circulate documents or objects using violence, threats, deception or other unlawful means;

"3. To conduct investigative operations at night, i.e. between 2200 and 0600 hours, except in circumstances where that is necessary to interrupt the preparation or commission of an offence, to prevent possible loss of evidence of an offence or the flight of a suspect, or to stage a re-enactment of an incident for experimental purposes".

87. Neither persons conducting an initial inquiry or pre-trial investigation, procurators, nor judges or other persons involved in a case as specialists or experts, with the exception of physicians, may be present during body searches of persons of the opposite sex performed in the course of investigative or judicial proceedings.

88. Under Uzbek criminal law, it is an offence for law-enforcement officers to have recourse to torture or cruel and inhuman treatment or punishment.

Establishment under Uzbek law of appropriate punishment for torture and degrading treatment

89. Uzbek law provides that persons carrying out initial inquiries or pre-trial investigations and procurators who knowingly cause an innocent person to be prosecuted for a socially dangerous act will be punishable by deprivation of liberty for up to five years. If the prosecution brought in such circumstances is for a serious or particularly serious socially dangerous act, the offending official is punishable by deprivation of liberty for between five and eight years (Criminal Code, art. 230).

90. The issuance of an unlawful judgement, decision, ruling or order is punishable by deprivation of liberty for up to five years. Should such an offence result in someone's death or other serious consequences, it is punishable by deprivation of liberty for between 5 and 10 years (ibid., art. 231).

91. Knowingly unlawful short-term detention, i.e. restriction of a person's liberty, by a person conducting an initial inquiry or a pre-trial investigation or a procurator is punishable by a fine of up to 50 times the minimum wage or by rigorous imprisonment for up to six months. Knowingly unlawful remand in custody is punishable by a fine of from 50 to 100 times the minimum wage or by deprivation of liberty for up to three years (ibid., art. 234).

92. Coercion to testify, i.e. the mental or physical pressuring by a person carrying out an initial inquiry or preliminary investigation or a procurator of a suspect, accused person, witness, victim or expert by means of threats, blows, beatings, systematic or brutal violence, tormenting, the causing of actual or moderate bodily harm or other unlawful acts with a view to compelling the giving of evidence is punishable by rigorous imprisonment for up to six months or by deprivation of liberty for up to five years. When such action results in serious consequences, it is punishable by deprivation of liberty for between five and eight years (ibid. art. 235).

VI. JURISDICTION OF THE STATE OVER TORTURE AND CRUEL TREATMENT (art. 5)

93. Criminal law defines Uzbekistan's jurisdiction with respect to all types of crime, whether committed inside or outside the country. Article 11 of the Criminal Code states that the Code shall be applicable to persons who commit a crime within the territory of Uzbekistan. A crime committed within the territory of Uzbekistan is an act which:

"(a) Is begun, completed or broken off within the territory of Uzbekistan;

"(b) Is committed outside Uzbekistan, but whose criminal result arises within Uzbek territory;

"(c) Is committed within the territory of Uzbekistan, but whose criminal result arises outside the country;

"(d) Constitutes in conjunction or combination with other acts a crime part of which is committed within the territory of Uzbekistan.

"When a crime is committed on an aircraft or a sea-going or inland waterway craft that is outside the borders of Uzbekistan but not within the territory of another State, liability shall arise in accordance with the present Code if the said craft is under the flag of, or registered in Uzbekistan."

94. Article 12 of the Criminal Code defines the applicability of criminal law to persons who commit crimes outside Uzbekistan:

"Citizens of the Republic of Uzbekistan and stateless persons permanently resident in Uzbekistan who have committed a crime in the territory of another State shall be liable under the present Code if they have not served a sentence passed upon them by a court in the State in whose territory the crime was committed."

95. Citizens of Uzbekistan may not be extradited for crimes committed in the territory of other States unless international agreements or treaties provide otherwise.

VII. PREVENTIVE MEASURES AGAINST PERSONS SUSPECTED OF HAVING COMMITTED UNLAWFUL ACTS (TORTURE OR DEGRADING TREATMENT) (art. 6)

96. Following study of the question, legal experts have concluded that a number of recommendations set out below would help to make Uzbek criminal law a better coordinated and more effective instrument for implementing the Convention. The Convention provides that "'torture' means any act by which [...] pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed [...] or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or

with the consent or acquiescence of a public official or other person acting in an official capacity", and the acts enumerated in article 235 of the Criminal Code with reference to coercion to testify are nothing other than torture.

97. It is felt that persons who commit torture should, inter alia, be liable to deprivation of liberty for between 3 and 10 years. Torture that has serious consequences should be punishable by deprivation of liberty for between 8 and 15 years. Torture of a woman or a minor should be punishable by deprivation of liberty for between 5 and 10 years or, if it has serious consequences, by deprivation of liberty for between 10 and 20 years or, in exceptional circumstances, by death.

98. Provision should also be made for liability for provocative behaviour during pre-trial investigations, initial inquiries and judicial proceedings. This would require the addition to the chapter of the Criminal Code entitled "Offences against justice" of an article reading as follows:

> "Provocative methods of conducting initial inquiries or pre-trial investigations
>
> "Provocative methods of conducting initial inquiries or pre-trial investigations, i.e. the proffering by a person, investigator or procurator conducting an initial inquiry or pre-trial investigation to a person being questioned of false promises to halt proceedings against a suspect or accused person or to dismiss or amend the charges if the person being questioned admits his guilt and identifies his accomplices, recourse to hypnosis, and the use of psychotropic tranquillizers that slow down arousal and inhibition processes in the person being questioned and deprive him of his free will so that he gives 'true answers' shall be punishable by rigorous imprisonment for up to six months or by deprivation of liberty for up to five years. Acts of this kind that have serious consequences shall be punishable by deprivation of liberty for between five and eight years."

99. Persons suspected of torture, inhuman treatment or the like may be remanded in custody or subjected to other preventive measures in accordance with the general rules for criminal proceedings, particularly section 4, "Coercion in criminal proceedings", which defines the grounds for, and limits on restriction of individuals' rights in criminal proceedings.

100. Article 213 of the Code of Criminal Procedure sets out the grounds for the use of coercive measures in criminal proceedings:

1. If a participant in the proceedings impedes investigatory or judicial action;

2. If a participant fails to discharge his obligations;

3. If such measures are necessary to prevent criminal activity by a suspect;

4. If such measures are necessary to prevent criminal activity by an accused person;

5. If such measures are necessary to secure the execution of a sentence.

101. Safeguards concerning the use of these measures are found in the Code of Criminal Procedure:

(a) Firstly, coercive measures may only be applied when grounds therefor genuinely exist (ibid., art. 214);

(b) Second, they must be applied in full and strict accordance with the law (ibid., art. 214);

(c) Third, they may only be applied by a person carrying out an initial inquiry or pre-trial investigation in circumstances where they are lawful and justified. Article 215 of the Code of Criminal Procedure regulates the treatment of detainees being held in custody or placed in a medical institution. Article 216 sets out the rights and obligations of the authorities in places of execution of coercive measures.

102. Persons carrying out an initial inquiry or pre-trial investigation, procurators and courts are, in the circumstances and according to the procedure laid down in the Criminal Code, entitled to apply coercive measures if a party to criminal proceedings impedes investigatory or judicial action or fails to discharge obligations, or if such application is necessary to prevent further criminal activity by a suspect or accused person or to ensure execution of a sentence.

103. Detainees being held in custody or placed in a medical institution for the purposes of examination have, subject to the restrictions deriving from the conditions set for their confinement, the rights and obligations laid down by law. Inhuman treatment of detainees being held in custody or placed in a medical institution is prohibited. Such persons must be given the opportunity of private meetings with their counsel and of access to legal information, paper and office supplies for the writing of complaints, petitions and other procedural documents.

104. The authorities in places of execution of coercive measures have rights and duties as defined in article 216 of the Code of Criminal Procedure:

> "The authorities in places of short-term detention or remand centres are entitled: to inspect inmates' correspondence, other than complaints and petitions addressed to a person carrying out an initial inquiry or pre-trial investigation or a procurator or court; to inspect parcels, printed matter and broadcasts addressed to inmates; to search, fingerprint and photograph inmates; to remove and keep money, valuables and objects that inmates are not legally entitled to possess, use or have at their disposal; to prohibit contact between persons who are suspects or have been charged in the same case.
>
> "The authorities in places of short-term detention or remand centres must: provide inmates with copies of the indictments against them, and with copies of court verdicts or decisions on the day of their

receipt, and forward inmates' complaints, petitions and letters to their addressees not more than one day after such communications are presented to them.

"They must also:

"*Transfer inmates to remand centres in other areas when a person* carrying out an initial inquiry or pre-trial investigation or a procurator so orders or a court so rules;

"Release inmates immediately upon expiry of their period of detention and give 12 hours' written notice to the head of the investigatory body of the expiry of a period of short-term detention and one week's written notice to the procurator of the expiry of a period of remand in custody."

VIII. SUBMISSION BY THE STATE TO ITS COMPETENT AUTHORITIES OF THE CASES OF PERSONS FOUND TO HAVE COMMITTED TORTURE (art. 7)

105. In cases where the competent Uzbek authorities receive information to the effect that someone has been found guilty of torture or degrading treatment but has not paid the corresponding penalty, the question to which jurisdiction the person is subject will, generally speaking, depend on articles 11 and 12 of Uzbekistan's Code of Criminal Procedure.

106. Questions of the liability of aliens who, under current law or international treaties or agreements, are not subject to the jurisdiction of Uzbek courts for crimes committed in Uzbekistan are resolved on the basis of the rules of international law. Aliens and stateless persons not permanently resident in Uzbekistan can only be held liable under the Uzbek Criminal Code for crimes committed outside Uzbekistan when international treaties or agreements so provide.

107. When proceedings are opened against persons accused or suspected of torture or degrading treatment, the law-enforcement organs act in accordance with the general principles laid down in the Uzbek Code of Criminal Procedure. The investigation will be conducted in exactly the same way as for any other offence. The law guarantees fair treatment at all stages of the hearing of the case for everyone brought to trial for any of the crimes referred to in article 4 of the Convention. This is evidenced by, for example, articles 11-24 of the Code of Criminal Procedure and by article 16, which provides that in criminal cases justice shall be administered on the basis of citizens' equality before the law and the courts irrespective of their sex, race, nationality, language, religion, social origin, beliefs or personal or social status.

IX. INCLUSION IN EXTRADITION TREATIES AS EXTRADITABLE OFFENCES OF THE OFFENCES REFERRED TO IN ARTICLE 4 OF THE CONVENTION (art. 8)

108. In its application of international rules, Uzbekistan strictly adheres to their underlying principles, an approach that is inherent in the structure of the State and in Uzbek law. In Uzbekistan, failure at any level to comply

with the rules of law is unacceptable. Persons who have broken the law and infringed citizens' honour or dignity must be punished, no matter where the offence occurred.

109. On 6 March 1998, in Moscow, CIS countries signed the Convention on the Transfer of Convicted Persons to Deprivation of Liberty for the Further Serving of Sentences. Uzbekistan is not a party to this instrument.

X. ASSISTANCE IN CONNECTION WITH THE PROSECUTION OF PERSONS FOUND TO HAVE COMMITTED TORTURE (art. 9)

110. Uzbekistan, having become a full member of the international community and a party to a number of conventions in the sphere of international humanitarian law, is committed to the full observance of human and citizens' rights and freedoms. Almost all the country's statutory instruments are based on the principle of the primacy of international law over domestic law, and that is reflected in the instruments themselves.

111. In addition, Uzbekistan has been a member of INTERPOL since November 1994. The National Central Bureau for INTERPOL was established by the Cabinet of Ministers' Decision No. 573, dated 29 November 1994 and is charged with actively assisting in the prosecution of anyone who has committed a criminal offence, including persons guilty of torture or other degrading treatment. This has given the Uzbek law-enforcement agencies access to the resources of other countries' National Central Bureaux and the INTERPOL General Secretariat for the purposes of preventing and suppressing dangerous crime.

112. Uzbekistan has also established the legislation necessary for securing effective cooperation between law-enforcement agencies. On 28 September 1995, the Ministry of Internal Affairs issued Order No. 287 on Procedure for Interaction between the National Central Bureau for INTERPOL and the Information Centre of the Ministry of Internal Affairs, and on 23 November 1995 it issued Order No. 323 on Approval of the Instructions concerning Procedure for Fulfilment by Internal Affairs Agencies of the Republic of Uzbekistan of Requests and Mandates relating to INTERPOL.

113. In addition to the above Instructions, instructions have been drawn up on interaction between the National Central Bureau for INTERPOL and other law-enforcement agencies and on the processing of information (recording, registration, storage and use), including by computer, in the National Central Bureau.

114. Working arrangements are in place for interaction on the main aspects of the National Central Bureau's activities with the relevant departments of the Ministry of Internal Affairs, principally: the Chief Directorate for Criminal Investigations (concerning international investigations); the chief directorates for combating corruption, racketeering and terrorism (concerning the said aspects of white-collar crime); the Directorate of Entry, Exit and Citizenship's Information Centre; the Organization and Inspection Directorate; the Directorate of State Motor Vehicle Inspection; and the Directorate of the Prophylaxis Service. Arrangements also exist for cooperation between subdivisions of the Procurator's Office, the Ministry of Foreign Affairs, the

CIS and other interested ministries and government departments. There are exchanges of business correspondence and information of mutual interest with all these entities.

115. The National Central Bureau for INTERPOL comprises a director, a secretariat, a finance section, two departments (the head of one of which also serves as deputy director of the Bureau), a computer and equipment unit and communications officers from the Ministry of Internal Affairs and the Internal Affairs Directorate.

XI. EDUCATION AND INFORMATION REGARDING THE PROHIBITION OF TORTURE, AND TRAINING OF LAW-ENFORCEMENT PERSONNEL (art. 10)

A. National Programme of Action for Human Rights

116. Uzbekistan's National Programme of Action on Human Rights, which includes a National Plan of Action and recommendations concerning all aspects of the protection of human rights, was implemented actively in 1998. The National Programme of Action is aimed at: the gradual assimilation of international experience with promoting a legal culture, while taking account of the historical particularities that have determined Uzbekistan's own path of development; surmounting the problems of the post-totalitarian period, and devising a special strategy and instituting carefully planned and clearly formulated measures for the protection of human rights in Uzbekistan.

117. The conceptual framework of the National Programme of Action is shaped by the common principles for the development of a global legal culture as set forth in the International Bill of Human Rights. This incorporates the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Economic, Social and Cultural Rights, the 1966 International Covenant on Civil and Political Rights and the two Optional Protocols thereto, and also includes the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

118. The National Programme of Action contains the following recommendations to all authorities for bringing national legislation into line with the rules of international law:

- Departmental regulations must govern intra-organizational relations and technical matters, without impinging upon citizens' rights and interests;

- Regulation of the machinery for the realization of citizens' rights and interests must not limit the extent of the realization of these rights as provided for by law;

- A comprehensive goal-oriented review should be made of the statutory instruments of regional authorities having a bearing on the securing of human rights in order to bring those instruments into line with the Constitution of the Republic of Uzbekistan and the international treaties which have been ratified. Statutory instruments not meeting these criteria should be repealed or revised. All statutory instruments relating to constitutional rights and freedoms must be made publicly available in the press.

B. Teaching materials and information concerning the prohibition of torture and degrading treatment

119. One of the priorities in this area is to set up a multi-purpose system of legal education and awareness-raising for the population.

120. The primary objective in the reform of instruction concerning the law with reference to human rights is to introduce such instruction on a wide scale, beginning literally at the kindergarten stage, in the form of educational games, and continuing right up to higher education, with the provision of training courses in human rights. Particular attention needs to be given to national particularities in shaping legal awareness and to the preparation of materials in Uzbek so that information and educational activities can be conducted for broad segments of the population.

121. In order to prevent any action ultra vires or any unwarranted or unlawful treatment of citizens and detainees, considerable educational efforts are being pursued among employees of the law-enforcement bodies, bearing in mind that they are responsible for infringements of the law and of the principle of security of person.

122. Young people are increasingly being targeted in the educational process because they are the ones who will be carrying through the present reforms and will bear their full responsibility for implementing the Government's programmes and for building a free, completely literate, economically advanced and democratic society.

123. A priority in this area is to take account of national particularities in shaping legal awareness and to prepare materials in Uzbek to facilitate information and educational work among the general public.

124. Pursuant to the decree issued by the President of the Republic of Uzbekistan on 25 June 1997, a centre for the advanced training of jurists has been established under the Ministry of Justice and a centre for the dissemination of legal knowledge was set up at the Tashkent State Law Institute. For the purpose of making various social groups more familiar with the law, the Oliy Majlis in 1997 formulated and adopted a national programme to enhance knowledge of the law in society. State budget-funded centres for providing public information about the law have been established to implement the programme in all regions of the Republic of Uzbekistan and in the Republic of Karakalpakstan. On 29 May 1998 the Uzbek Government adopted Decision No. 235 concerning measures to achieve the goals set in the programme.

C. Human rights education and training of officials in human rights

125. Great attention is paid to human rights education in the Republic of Uzbekistan. Many problems in the field of human rights are connected with the fact that the general public and State employees are unfamiliar with the law. To remedy this situation, practical steps have been taken to provide instruction in human rights.

126. New textbooks and teaching aids on human rights have been prepared for higher, secondary and specialized secondary educational establishments. The syllabuses of educational institutions at all levels, and especially secondary schools, law schools and teacher-training colleges, administration and management institutes, and educational establishments of the Ministry of Defence, the Ministry of Internal Affairs and the National Security Service include the topics of human rights, democracy and the rule of law. Methodological recommendations on human rights education have been drawn up for secondary school teachers and for staff teaching at higher and specialized secondary educational establishments.

127. Analysis of the present situation shows that the low standard of legal knowledge of State employees is having a significant adverse effect on the law reform process in the Republic. There is a particular need for extensive educational work with senior and middle-ranking officials, where the stereotypes of the administrative command system are still strong.

128. In practice it is the actions of the law-enforcement bodies which give rise to the most criticism from the general public. At the initiative of the National Centre for Human Rights, a department for teaching the theory and practice of human rights has been established in the Academy of the Ministry of Internal Affairs, and a special handbook on human rights has been designed for law-enforcement officials.

129. The National Centre for Human Rights and the Academy of the Ministry of Internal Affairs have been instrumental in the preparation of specialized programmes of legal training in human rights and freedoms for local government officials, social workers, members of the armed forces, staff of the law-enforcement bodies and penitentiary system, and persons working in the fields of health care, education, etc. Human rights information and education programmes have been prepared for members of the Oliy Majlis and politicians. A series of seminars was held in September 1998 for this category of public servants.

130. A scientific and practical conference to discuss the Code for the Execution of Criminal Penalties of the Republic of Uzbekistan was held in mid-1998 at the centre for advanced training of staff of the procurators' offices in the Republic of Uzbekistan.

D. Dissemination of human rights information. Publicizing of human rights

131. Particular attention is given to the publicizing and dissemination of information about human rights in Uzbekistan.

132. The Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights in 1993 calls upon States to ensure the broadest possible dissemination of information about human rights. The Republic of Uzbekistan is firmly committed to radical legal reform, and the population as a whole has to be the main participant in it. To this end, a study has been made of the potential and experience of international intergovernmental and non-governmental organizations engaged in human rights information and education activities.

133. A cycle of popular human rights information broadcasts on State radio and television in Russian and Uzbek has been prepared for various social and age groups.

134. The President of the Constitutional Court, the Human Rights Commissioner of the Oliy Majlis, the Director of the National Centre for Human Rights and directors of other institutions concerned with the protection of human rights in the Republic regularly address the public in the mass media. In their addresses, they deal with topical human rights issues and answer questions from the general public.

135. Issues relating to the protection of human and citizens' rights are also covered regularly in more than 30 legal journals and newspapers. One such newspaper, called "Time Watch", is circulated especially for persons serving custodial sentences.

136. National and international human rights organizations hold regular lectures, seminars and round-table discussions on human rights in various districts and regions. A cycle of lectures and seminars on human rights for persons working in the courts, procurators' offices and law-enforcement bodies in three administrative regions of the Republic was completed in September 1998. The cycle was organized jointly with UNDP, OSCE, the Konrad Adenauer Foundation and the National Centre for Human Rights. The National Centre, in cooperation with the UNDP project for the democratization of human rights and good governance, regularly holds seminars on human rights, including international standards and their implementation in Uzbekistan, for staff of the law-enforcement bodies. Particular reference may also be made to the following events:

137. On 30 September 1998, at the initiative of the National Centre for Human Rights, the Academy of the Ministry of Internal Affairs held a conference and training session entitled "International experience and problems relating to the protection of victims' rights" for senior Ministry of Internal Affairs and prison administration officials. On 17 December 1998, a seminar on the "Legislative process and human rights" was held at the National Centre itself.

138. Books and brochures devoted to human rights have been prepared for mass circulation. To familiarize the public with international human rights standards, in 1992 the "Adolat" publishing house attached to the Ministry of Justice published in two languages (Uzbek and Russian) the instruments constituting the International Bill of Human Rights. Also, with financial support from the State Committee for the Administration of State Property and Privatization, the "Shark" publishing house produced in 1995 a series of books in six volumes entitled "Comparative Law Studies" devoted to international and other human rights instruments. A book entitled "Uzbekistan and international human rights treaties" has been produced in a large print run at the initiative of the National Centre for Human Rights. A six-volume series entitled "Constitutions of the World" has been produced in a major print run by the "World of Economics and Law" publishing house.

139. In addition, the National Centre for Human Rights, with the support of UNDP and UNHCR in Tashkent, issued posters in 1997-1998 containing the texts of the principal human rights instruments, including the International Covenant on Civil and Political Rights. These posters are distributed to schools and higher educational institutions free of charge.

140. A special bulletin containing information about the human rights situation in the Republic is being issued.

XII. SYSTEMATIC REVIEW OF INTERROGATION RULES, INSTRUCTIONS, METHODS AND PRACTICES AS WELL AS CUSTODY ARRANGEMENTS (art. 11)

141. Since the greatest number of infringements of the law are to be observed in the activities of the internal affairs authorities, often because of the low standard of legal and general knowledge and poor theoretical training of some officials, the Republic's leadership is working to make sure that unqualified staff found to have committed unlawful acts against people involved in law-enforcement proceedings are removed from the internal affairs bodies. This may be illustrated by the Presidential Order of 10 October 1998 on the establishment of commissions to evaluate the work of senior officials in the internal affairs authorities of the Republic of Uzbekistan.

142. Considerable efforts are also being undertaken by the judicial bodies to ensure the uniform application of the rules, instructions, methods and practices for conducting investigations (including interrogations and arrangements for custody). This is exemplified by Supreme Court Plenary Decision No. 12 of 2 August 1997 on observance by the courts of procedural law in criminal proceedings at first instance.

143. In the context of the establishment of a democratic rule-of-law State in Uzbekistan, particular importance attaches to the strictest observance of the law and citizens' rights and to the issuance of sound and fair judgements in keeping with all the rules of procedural law. Most cases are considered by the Republic's courts in strict compliance with procedural law, but serious shortcomings that adversely affect the quality of the handling of cases still persist.

144. The adversarial principle and the legally guaranteed rights of the parties to judicial proceedings are not infrequently violated. Information about a defendant's character and circumstances that might rule out a prosecution are not always properly studied at the preliminary stage. There are cases of unjustified refusal to grant applications made by parties to the proceedings. The procedure for considering applications is itself also breached.

145. The records of court hearings sometimes do not meet the established requirements.

146. To prevent such infringements and ensure that procedural law is observed during judicial proceedings in criminal cases, the Supreme Court of the Republic of Uzbekistan, meeting in plenary session, has drawn the attention of courts to the need for strict observance of procedural law during the hearing of criminal cases, bearing in mind that only precise and unswerving compliance with procedural law can ensure that the circumstances of a case are

comprehensively, thoroughly and objectively examined, that the causes and circumstances contributing to the commission of offences are ascertained and that action by the courts serves the purpose of rehabilitation.

147. According to paragraph 3 of the above-mentioned decision, "the officer presiding at a court hearing must fully inform the defendant of his rights, as well as explain to the parties, experts and specialists their rights and duties in the proceedings, and this must be duly reflected in the record of the hearing".

148. The Supreme Court determined at its plenary session that "the attention of courts should be drawn to the fact that, when considering each case, they must study the evidence directly at the court hearing: question the defendants, victims and witnesses, hear the findings of experts, examine the physical evidence and read out records and other documents. Testimony by the defendant may be read out only under the circumstances specified in article 104 of the Code of Criminal Procedure, which provides an exhaustive list of such circumstances. Statements made by a witness or victim during a pre-trial investigation may be read out only if there are substantial discrepancies between them and statements made in court, or if the witness or victim is absent from the hearing owing to circumstances which make it impossible for them to appear in court.

149. The attention of courts is drawn in paragraph 8 of the decision to the fact that, in accordance with articles 122-124 of the Code of Criminal Procedure, a confrontation may be held to ascertain the reasons for any serious discrepancies between the statements made by two individuals during earlier questioning. The general rules for questioning are to be observed in any such confrontation. No excerpts from the written record of an interrogation or sound recordings of evidence given by these persons when questioned earlier may be heard until their statements during the confrontation have been taken down and entered in the record.

150. The plenary session drew particular attention to the special arrangements for conducting an investigation in respect of minors: "When hearing cases in which the defendants, victims or witnesses include minors, courts must take particular care to meet the requirements of articles 84, 121 (3) and 442 of the Code of Criminal Procedure." Since the disclosure of certain details of cases may have an adverse effect on minors, courts must always consider whether minors need to be present in the courtroom when such details are examined.

151. Particular attention was devoted to the accurate reflection in the records of: applications filed by parties to judicial proceedings and the consideration of such applications; rulings issued by the court in a hearing without retiring to chambers for deliberations; statements made by the defendant on the substance of the charge brought against him and by witnesses or victims regarding the circumstances of the case, and the process of examining the evidence.

152. The Supreme Court drew the court's attention to the fact that, in accordance with paragraph 18 of its Plenary Decision No. 41 of 20 December 1996 on the practice for applying laws guaranteeing the right to

defence, the presiding officer must, once judgement has been passed, inform the defendant and the other parties of the content of the judgement, of the procedure and time limit for appealing it, and of their right to acquaint themselves with the record of the hearing. Where necessary, the defendant must be informed of the content of the judgement in his mother tongue or in a language he can understand through an interpreter. If a defendant receives the death penalty, he must also be informed of his right to apply for clemency.

153. In accordance with paragraph 16 of Plenary Decision No. 41 of 20 December 1996 and article 449 of the Code of Criminal Procedure, the defendant must be allowed to take part in the pleadings whether or not he has a lawyer.

154. The Supreme Court drew the attention of presiding magistrates to the need for constant improvement of their professional expertise, since their precise and unswerving fulfilment of all the requirements of procedural law and their skilful, wise and tactful guidance contribute greatly to the holding of a comprehensive, thorough and objective inquiry into the circumstances of a case, to the establishment of the truth and to ensuring that action by the courts serves the purpose of rehabilitation.

155. The decision includes a recommendation that, when considering cases on causational appeal or under the judicial review procedure, the criminal division of the Supreme Court of the Republic of Uzbekistan, the Supreme Court of the Republic of Karakalpakstan, the Tashkent city and regional courts and the Military Court of the Armed Forces of the Republic of Uzbekistan should devote particular attention to compliance with criminal-procedure law by courts of first instance and should systematically analyse errors in the application of such law during court hearings of criminal cases, not disregarding a single instance of infringement.

XIII. PROMPT AND IMPARTIAL INVESTIGATION OF ACTS OF TORTURE (art. 12)

156. Ensuring special protection of the rights of persons involved in criminal proceedings is the task of the procurators' offices. The legal status of the procurator is defined in the Constitution and in the Office of the Procurator Act of 9 December 1992, which states as follows: "The Procurator-General of the Republic of Uzbekistan and the procurators subordinate to him shall oversee the correct and uniform enforcement of the laws by all ministries, State committees, departments, organs of State control and regional chief administrators, as well as by institutions, enterprises and organizations (whatever their superior authority, affiliation or form of ownership) and by military units, social associations, officials and citizens." Complementing its role of general supervision of law and order, the procurator's office has two special departments - one to supervise law enforcement by authorities involved in crime control, and another to supervise law enforcement in facilities for persons being held in custody or pre-trial detention and for persons serving sentences or subject to other coercive measures ordered by a court.

157. The first department is concerned with supervising "law enforcement by authorities involved in crime control" to ensure their compliance with the

statutory procedure for considering and dealing with statements and reports concerning offences, and the lawfulness of decisions taken by them. Article 33 of the above-mentioned Act states that "authority to approve citizens' remand in custody is vested in the Procurator-General of the Republic of Uzbekistan, the procurators of the Republic of Karakalpakstan, regional procurators, the procurators of the city of Tashkent and other equivalent procurators or their deputies, as well as the procurators of towns, districts and other equivalent procurators. Procurators and their deputies shall also, within their respective spheres of competence, approve other actions restricting citizens' constitutional rights as provided for in criminal-procedure law".

158. The second department supervises law enforcement in facilities where liberty is restricted. In accordance with article 44 of the same Act, this department supervises:

- The lawfulness of the holding of persons in custody or pre-trial detention, in places of deprivation of liberty and places of corrective labour, and in institutions for compulsory treatment and rehabilitation;

- Observance of the legislation defining the procedure and conditions for the confinement of persons when arrested or remanded in custody, for the serving of sentences and the correction of convicted prisoners, and for the confinement of persons subject by law to compulsory treatment and rehabilitation;

- Ensuring the observance of the statutory rights and obligations of persons under arrest or remanded in custody, of convicted prisoners and of persons undergoing compulsory treatment and rehabilitation;

- Observance of the law in the activities of officials and bodies responsible for enforcing the penal legislation.

159. However, despite such arrangements for supervising and monitoring the observance of human rights in the criminal justice system, instances of improper, demeaning or degrading treatment or punishment are still observed in the work of a number of law-enforcement bodies. The procurator's office reports, for example, that in 1997 there were cases of violations of the rights and legitimate interests of persons involved in criminal proceedings, these being manifested in the form of unlawful arrest or remand in custody, unsubstantiated prosecution, etc. Such infringements of the law are also reported by a number of non-governmental organizations (Amnesty International, Human Rights Watch, etc.).

XIV. SAFEGUARDING OF THE RIGHT TO FILE A COMPLAINT AND TO HAVE IT PROMPTLY AND IMPARTIALLY EXAMINED (art. 13)

160. In accordance with the general principles of the administration of justice, the use of torture and illegal treatment is not permitted. Victims of torture may exercise their inalienable rights under a whole range of laws and regulations, including the Criminal Code, the Code of Criminal Procedure,

the Code for the Execution of Criminal Penalties, the Citizens' Appeals Act No. 1064-XII of 6 May 1994, the Court Complaints (Actions and Decisions Violating Citizens' Rights and Freedoms) Act No. 108-I of 30 August 1995 and the Supreme Court Plenary Decision of 2 May 1997 on court judgements.

161. Article 1 of the above-mentioned Act No. 108-I states: "Any citizen is entitled to bring a complaint before a court of law if he considers that his rights and freedoms have been violated by the unlawful actions or decisions of State bodies, enterprises, institutions, organizations, social associations, self-governing bodies of citizens or officials." Aliens can lodge a complaint with a court under the statutory procedure, unless the international treaties and agreements of the Republic of Uzbekistan provide otherwise.

162. Article 2 of the Act lists the actions or decisions in respect of which complaints may be made to a court as follows:

> "Actions or decisions by State bodies, enterprises, institutions, organizations, social associations, self-governing bodies of citizens or officials against which complaints may be brought in a court of law include collegial or unilateral actions or decisions as a result of which:
>
> - A citizen's rights and freedoms have been violated;
>
> - A citizen's exercise of his rights and freedoms has been obstructed;
>
> - An obligation has been unlawfully placed upon a citizen."

163. Article 4 states: "A citizen is entitled to file a complaint against actions or decisions that violate his rights and freedoms either directly with a court or with the higher authority or official concerned." Such higher authority or official must examine the complaint within a period of one month. If the complaint is dismissed or if the citizen receives no reply within a month from the date of its submission, he is entitled to bring the complaint before a court. The complaint may be submitted by the citizen whose rights and freedoms have been violated or by his representative, or, at the citizen's request, by an authorized representative of a social or workers' association. The complaint can be submitted, at the citizen's discretion, either to a court having jurisdiction over the area in which he lives or to a court having jurisdiction over the area containing the authority, or the place of work of the official against whose actions or decisions the complaint is being made.

164. A member of the armed forces is entitled, under the procedure provided for in this article, to complain about actions or decisions of the military administrative bodies or military officials that violate his rights and freedoms to a military court, as well as to a higher-ranking official.

165. The Act defines the actions of the court with regard to a complaint, including the time limit for taking up the complaint, the procedure for its consideration and the types of decision that may be taken on it.

166. Citizens' right of appeal is exercised in accordance with the Citizens' Appeals Act, which in article 1 states that:

> "Citizens of the Republic of Uzbekistan, when participating in the conduct of State or public affairs or exercising rights and freedoms granted to them by the Constitution of the Republic of Uzbekistan and other laws, are entitled to:
>
> - Lodge an appeal in order to protect their legitimate rights and interests;
>
> - Obtain the restoration by the competent State bodies or social associations of the rights which have been violated."

167. Citizens of the Republic of Uzbekistan may file appeals on behalf of other persons or organizations. Appeals may be individual or collective and are to be made orally or in writing in the form of suggestions, applications or complaints.

168. Appeals by citizens may not be considered under this Act if the Republic's legislation establishes another procedure for their consideration.

169. Stateless persons have the right of appeal under this Act. Appeals by citizens of foreign States are considered in accordance with the procedure established by this Act unless the international treaties and agreements of the Republic of Uzbekistan provide other rules for their consideration.

170. Despite the existence of laws regarding appeals and the procedure for filing complaints in a court against unlawful actions by officials, there are instances in which some law-enforcement bodies in practice ignore appeals by citizens or treat them in a purely formal manner. Such instances also occur in the work of middle-ranking and higher judicial bodies. To remedy this situation, the Supreme Court adopted a Plenary Decision on 27 December 1998 concerning judicial practice when dealing with cases involving the consideration of appeals and complaints by citizens.

XV. RIGHT OF VICTIMS OF TORTURE TO FAIR AND ADEQUATE COMPENSATION (art. 14)

171. While there are some general rules (for example, in article 235 of the Code of Criminal Procedure), under the heading "Compensation for injury caused by detention", the legislation of the Republic of Uzbekistan does not contain any special provision for fair and adequate compensation of victims of acts of torture or violence. Article 235 of the Code of Criminal Procedure states that "injury caused to an individual by unlawful detention shall be compensated in full if a judgement of acquittal is subsequently rendered in respect of that person". At the same time, a number of legislative instruments (Labour Code, Civil Code) provide for compensation of material losses in certain instances. In most cases this involves reinstatement in employment and payment of the average monthly wage or salary for the period of absence from work; redress for any moral injury caused by unlawful acts is considerably less common.

XVI. EXCLUSION FROM EVIDENCE OF STATEMENTS MADE UNDER TORTURE (art. 15)

172. Supreme Court Plenary Decision No. 2 of 2 May 1997 on court judgements states in paragraph 6 that "any evidence obtained unlawfully shall be devoid of evidential value and cannot form the basis of a judgement". Evidence obtained in an unlawful manner means evidence obtained through the use of unlawful investigative methods, under mental or physical duress or in violation of other rules of criminal procedure (for example, the right to defence). Where evidence is found to have been obtained unlawfully, the court must give the reasons for its decision to exclude it from the body of evidence in the case, specifying in what way it was obtained unlawfully. The court's reasoned decision concerning the inadequacy of the assembled evidence, its lack of evidential value on account of having been obtained unlawfully, or the impossibility of dispelling all doubt that a defendant is guilty as charged constitutes grounds for rendering a judgement of acquittal.

173. As stipulated in article 17 of the Code of Criminal Procedure, the court is not entitled to mention in its judgement any information that would humiliate or degrade a person, lead to the dissemination of details of his private life or cause him mental suffering if that information has no bearing on the evidence in the case.

XVII. PREVENTION OF TORTURE AND OTHER INHUMAN OR DEGRADING TREATMENT (art. 16)

174. No disrespectful attitude towards an individual is permissible in a society which has embarked upon the path of democratic advancement. Disrespect and torture and other inhuman or degrading treatment must be completely eradicated, especially in those bodies which are responsible for observance of the law. The Convention clearly indicates that States parties must comply strictly with its provisions.

175. However, society cannot merely settle for what has already been achieved but must press on with the process of democratization, and it must also recognize that for the time being there is still a flawed system in the law-enforcement bodies that allows negative phenomena to persist. Uzbekistan's entry into the world community entails a responsibility to observe fundamental human rights and freedoms. A developed democratic society will be achieved only when each person is respected as an individual and all his rights are fully observed.

ANNEX

Working group for the preparation of the national report

A.K. Saidov
Director, National Centre for Human Rights of the Republic of Uzbekistan

B.I. Ismailov
Chief, Human Rights Analysis and Research Department

G.I. Rakhimov
Chief Consultant, Human Rights Analysis and Research Department

Review bodies

1. Office of the President of the Republic of Uzbekistan
2. Office of the Human Rights Commissioner (Ombudsman) of the Oliy Majlis
3. Ministry of Foreign Affairs of the Republic of Uzbekistan
4. Ministry of Justice of the Republic of Uzbekistan
5. Ministry of Internal Affairs of the Republic of Uzbekistan
6. Ministry of Macroeconomics and Statistics of the Republic of Uzbekistan
7. Ministry of Defence of the Republic of Uzbekistan
8. National Security Service
9. Supreme Court of the Republic of Uzbekistan
10. Office of the Procurator of the Republic of Uzbekistan
11. Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan
12. Institute of Strategic and Interregional Studies reporting to the President of the Republic of Uzbekistan
13. Institute for Monitoring Current Legislation reporting to the Oliy Majlis of the Republic of Uzbekistan

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